

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. Thank you very much, Mr. President. I want to take 5 minutes out of the debate on this very important bill. I commend my colleague, Senator FEINSTEIN, for her leadership in explaining why it is important, when we legislate, particularly on a matter of science, that we know exactly what we are doing and that we don't pass a bill that will have unintended consequences which could lead to setting back help to people who need it who are ill. I just wanted to mention that.

CONDEMNING CLINIC BOMBING

Mrs. BOXER. Mr. President, earlier today, I submitted a resolution, Senate Resolution 173. It is very straightforward. It condemns last week's tragic bombing of a reproductive health services clinic in Birmingham, AL. As most of us know, this vicious and unprovoked attack killed a police officer and critically injured a clinic worker. We already know that clinic worker lost one eye, and I watched her anguished husband talk about the possibility that she might have an operation on the other eye as well.

I am very proud that this resolution that I have submitted is bipartisan. I submitted it on behalf of myself and Senator CHAFEE, Senator SNOWE, Senator MIKULSKI, Senator JEFFORDS, Senator LAUTENBERG, Senator MURRAY, Senator BOB KERREY, Senator COLLINS and Senator MOSELEY-BRAUN.

Last week's attack was the first clinic bombing in the United States to cause a death, but, unfortunately, it was far from the first bombing. In recent years, reproductive health services clinics have been the targets of an unprecedented reign of terror. Last year alone, clinics in Atlanta, GA, and in Tulsa, OK, were bombed, resulting in many, many serious injuries.

The reign of terror began with the murder of Dr. David Gunn in Pensacola, FL, in 1993. A second abortion provider and his security guard were shot and killed the following year in Florida, and on the bloodiest day of the antichoice terror campaign, two clinic workers were killed and five injured in vicious cold-blooded shootings in Brookline, MA.

All told—all told—over 1,800 violent attacks have been reported at reproductive health services clinics in recent years. If I succeed in doing anything with this resolution, it is to make my colleagues aware that the attacks and the level of violence in those attacks are increasing every year.

I know that reproductive choice is a contentious issue. It was decided by the Supreme Court in *Roe v. Wade* in 1973. There are people who agree with the decision; there are people who disagree with the decision. And believe me, Mr. President, I have the deepest

respect for people who hold a view other than mine. Mine is a pro-choice view. Mine is a view that holds that *Roe v. Wade* was a balanced, moderate decision that weighed the rights of everyone involved and basically says that previability, a woman has this right to choose, it is a personal decision and Government isn't involved, but postviability, indeed, the Government can come in and regulate as long as her life and her health are protected at all times.

But I think what is key here is that when someone explodes a bomb in a clinic, this is a violent act. This is not about philosophy, because violence is not a form of speech. Violence is not a form of speech. Violence is criminal. Violence maims, violence kills, and violence hurts the very people who are trying to carry out that cause in a peaceful manner.

I respect those with a different view, but I have no respect for anyone in this country, regardless of their view, who ever resort to violence as a form of speech. This resolution is not about choice, it is about violence.

I know that there is not a single one of my colleagues who believes that murder, bombing and terror and acts of intimidation are appropriate ways to express political views. I know that, Mr. President. This Congress stands firm on saying if you commit one of these acts, it is a Federal crime. These bombings are part of a terrorist campaign, a campaign designed to destroy a woman's right to choose through violence, making her afraid to go to a clinic maybe just to get a Pap smear. Maybe it is her only line of health care. Maybe she wants to find out how she can conceive, so she goes to a clinic. Or maybe she is exercising her right to choose, which is the law of the land.

The U.S. Senate must condemn these attacks as strongly and unequivocally as we condemn other acts of terrorism. When we hear about other acts of terrorism, whether in America or around the world, we are down here with a resolution of condemnation. Well, we should be down here now.

I am proud of the number of cosponsors I have. I invite my colleagues who may be listening to please join in. You need to be on the side of protecting the people whom you represent as they exercise their constitutionally given rights.

In addition to condemning this attack, this resolution expresses the sense of the Senate that the Attorney General should fully enforce existing laws to protect the rights of American women seeking care at these reproductive health care clinics. Again, we passed a law. It is a Federal crime to do violence at these clinics. We need to enforce that law. We need to protect these clinics. We need to devote more resources.

Here is a policeman, alone, unsuspecting, getting caught up in a bombing of a clinic, dying, leaving his family, all alone, watching a clinic,

and being the victim of an explosive device, a bomb. It may well be that the people who perpetrated this, perpetrated other attacks. We don't know that for sure, but we do know one thing. There was a written message that this isn't where they are going to stop. There can be no quarter for these people in this country. It is cowardly to do what they did.

We have a law that says it is a Federal crime to do what they did. We need to prevent these things from happening by devoting more resources, and I call on the Attorney General to do that. We can't leave policemen alone facing these terrorists. We can't leave clinic workers alone facing these terrorists. We need the help of the Federal Government. We pay taxes for that. This is an explosive device. This is not only breaking one Federal law, but more than one Federal law.

So I am proud, again, to be joined by my distinguished colleagues in offering this resolution. I plan to speak with both leaders, Leader LOTT and Leader DASCHLE, about setting aside some time to condemn this violence, to stand up for the people of this country and say, whatever your view, we respect it; however, violence will not be tolerated in this country.

I think if we did this in a bipartisan way, it would send a clear signal to anyone in our country who would even consider making violence a form of speech.

I thank the Presiding Officer, and I yield the floor.

The Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

HUMAN CLONING PROHIBITION ACT—MOTION TO PROCEED

Mr. MACK. What is the pending business before the Senate?

The PRESIDING OFFICER. The motion to proceed to S. 1601.

Mr. MACK. Thank you, Mr. President.

I want to begin my comments by making it clear, like I suspect everyone in the U.S. Senate, that I am against human cloning. I have not really found too many people who have come forward with a statement saying that they are for human cloning. I am opposed to human cloning. So, let me make that clear at the beginning of the discussion. But, there is much more to this debate than as to whether one is for or against human cloning, and I think it is important that we get beyond that.

I agree with those who have indicated earlier in the day that, frankly, we need to delay this debate, we need to delay this legislation. You might say, "Well, why?" Certainly the individuals who engaged in producing the legislation are thoughtful, serious people. I do not question that, nor do I question their intentions. But what

they have proposed I think has tremendous risks.

I will read from just a couple of letters that I have received from Nobel laureates. One of the letters indicates—and this is from Dr. Paul Berg, Stanford professor, Nobel laureate, chemistry, 1980. In his letter he says:

The bill sponsored by Senators BOND, FRIST, GREGG and others, if passed, would be the first to ban a specific line of research.

A specific line of research. Not the end result, but the specific line of research would not be permitted.

And he goes on to say:

I believe this is a serious mistake, one that we could regret because of its unintended implications for otherwise valuable biomedical research.

He goes on in the letter to say:

At the same time, any legislation should not impede or interfere with existing or potential critical research fundamental to the prevention or cure of human disease.

In another letter, from J.M. Bishop, Nobel laureate, university professor, University of California, San Francisco:

The fundamental flaw in this legislation is the prohibition of a technology irrespective of its application. Such prohibition forecloses on any benefit from the technology, even if that benefit were in no way objectionable. Many well-intentioned people fail to understand that somatic cell nuclear transfer is not limited to cloning an organism. There are many examples of possible future applications of this technology to produce healthy tissue for therapeutic purposes, such as skin grafts for burn patients, or even to create insulin-producing cells for diabetics. There may also be applications for cancer patients who need a bone marrow transplant for whom a match cannot be found.

Mr. President, I suggest that if time had permitted and if there had been greater warning that this legislation was going to come to the floor, I could virtually fill up the CONGRESSIONAL RECORD with those individuals who have serious concerns about what this legislation would do. And the same group of people would make the statement they are opposed to human cloning.

I must admit that I have more than just a casual interest in this legislation. I have been deeply involved in trying to understand basic research as it relates most specifically to finding cures and better treatments for cancer. I am terrified at the thought that this legislation could move forward without the opportunity for there to be in-depth scientific debate before committees of the Congress of the United States about what this legislation would do.

I just say to people that, if you go back into the early 1970s, 1971, I believe, regarding the issue of recombinant DNA, there were horror stories that were told about recombinant DNA research. There were all kinds of fears that were created. And there were places in the country where bans were actually put into place.

Well, fortunately, the Congress never passed a ban like they are talking

about here, because if they had, just to use one disease—cystic fibrosis—think about what it would be like if you were the parent of a child with cystic fibrosis that had been denied a treatment that was developed as a result of going forward with recombinant DNA.

What was developed enhanced the ability of the lung to function as a result of the discovery. Back in 1971, no one had even an idea where that research might have taken us. But in retrospect we can see that the foundation has been built for the future research that may in fact find better treatments, whether that is cancer, whether that is diabetes, whether that is Parkinson's disease, whether that is AIDS, whether that is sickle-cell anemia. And I could go on and on and on.

So, Mr. President, all I am saying here today, and to my colleagues, is that if there is not a change in this legislation, then I am going to have to oppose the legislation. I understand that the majority leader will be coming to the floor shortly to file a cloture motion. I would have to vote against cloture if this legislation is not changed. I frankly believe that the most significant thing we could do would be to delay so that in fact we could hear from both sides on this issue.

Again, the debate really isn't whether there should be human cloning. I think most people in this country clearly have said we should not do that, that it should be banned. But what we are debating is the potential outcome of the language that is put into legislative form that would limit the scientists of our country, limit them in their ability again to find cures, possibly, and certainly better treatments for the diseases that face our families, our children and our grandchildren.

So, Mr. President, I sincerely hope that either we find some way to correct the legislation before us or that we delay this so that not only the scientific community can have an opportunity for input but also for patient groups. I think they ought to have an opportunity to come before the Congress at our hearings and let them raise their concerns about what might be done to maybe one area of hope that they have about better treatment or a cure.

Mr. ABRAHAM. Mr. President, I rise in support of legislation to place a permanent ban on the unethical, immoral pursuit of human cloning.

I do not believe, Mr. President, that the fact that a thing is possible makes it desirable. The study of ethics is filled with things we can do, but should not do. The subject of cloning presents an obvious example along these lines. And I believe it is necessary for us to face the problem head-on.

Genetic research has been crucial to saving thousands upon thousands of lives all over the world. It continues to be an important part of medical research as we look for cures and treatments for cancer and other dreaded dis-

eases. But there are certain things we cannot do, even as we seek, in the long run, to save lives. As shown by recent scandals concerning studies at Tuskegee Institute and elsewhere, in which people were denied treatment for serious ailments in the name of science, most people, most of the time, recognize the moral limits to scientific and medical research.

But we cannot always trust in the good judgment of the scientist. In some extreme cases we, the people's legislature, must see to it that certain practices are not undertaken. Human cloning is one of those practices. No man or woman, not even a scientist, has the capacity to manipulate the very nature and existence of human life in a moral manner. Plants, animals and even discrete human cells may be the proper subjects of research, but to attempt to create a human being, as the product of scientific experiment, risking that that product may be seen as something other than a living, sentient human being, is simply not acceptable.

Mr. President, we are not now, nor will we ever be, morally capable of manufacturing life, or of making experiments on the human soul.

It is because I value life, each and every human life that comes into this world, that I have joined with my colleague from Missouri in sponsoring this legislation to ban, now and for the future, any attempt at human cloning.

Now is not the time, Mr. President, for our Nation to create, or rather add to, an atmosphere in which human life is valued for anything other than itself. Each of us is unique and uniquely valuable. Our laws recognize this, providing as they do for due process and equal protection of every one of us. Our religions are based on this understanding of the individual as the creature of God. We must see to it that our science also recognizes the intrinsic value of every human life.

Science has been of great service to mankind. It will continue to improve, protect and save lives, so long as we recognize our duty to see that scientists abide by their duty to serve, and not manipulate, each and every human being.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe the Senate has already had a healthy debate on the cloning legislation and I thank Senators BOND, FRIST, GREGG and others for their leadership on this issue. I find it unfortunate that our democratic colleagues have chosen to block consideration of legislation at this time, even a motion to proceed.

Clearly, this is an issue that has America's attention. The idea that so much progress has been made in the cloning area, and that we have doctors or scientists already threatening to clone human beings, is a very serious matter from a scientific, medical, moral and ethical standpoint. I don't think we can afford to set this issue aside without some immediate consideration and some immediate attention.

I am very pleased that the Senators that are involved on both sides of the aisle are obviously very concerned, very thoughtful, and would like to get an agreement.

I am particularly pleased that one of the leaders on our side of the aisle is Dr. BILL FRIST of Tennessee, one of the Senators who knows the most about questions of science. He would never want us to sacrifice appropriate advancements in science and medical achievement in any way. The difference is he really knows what he's talking about. So, while there are some disagreements about how far to go, what would be appropriate, what would not be appropriate, a lot of good work has been done.

It seems to me that the thing to do is to go forward. Let's have a continued debate in addition to what we have already heard from a half dozen or seven Senators or so. Let's have other Senators become informed, read the debate we have already had, think about this issue, study the bills, and make recommendations. If there are amendments by the Senator from California, I think they should be offered. Let's debate them and let's think about them.

This is an issue whose time has come—maybe sooner than we would have ever dreamed, and maybe in a lot of ways we had not anticipated this. But if we don't act, what could be the result? Do we want to allow the possibility of human cloning to go forward? I don't think so. Leaders in the scientific and medical communities, and others, have already indicated their concerns about that. The President of the United States has made it very clear in an early statement that he wanted to make sure that this human cloning did not occur. So I urge the Senate—we can go forward with deliberate speed, which is always the case, but we should go forward and not have this pigeon-holed somewhere in the bowels of the building for weeks or months while time and events pass us by.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk so that we can proceed to the very serious legislation on the issue of cloning.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1601 regarding human cloning.

Trent Lott, Christopher S. Bond, Bill Frist, Spencer Abraham, Michael B. Enzi, James Inhofe, Slade Gorton, Sam Brownback, Don Nickles, Chuck Hagel, Rick Santorum, Judd Gregg, Rod Grams, Larry E. Craig, Jesse Helms, and Jon Kyl.

Mr. LOTT. Mr. President, I emphasize once again that this is only to end debate on the motion to proceed. Could we at least go to the substance of the bill, and then we can make a judgment about whether we have had enough discussion, whether we know enough, or whether we have amended it appropriately. We have no option at this point other than to file cloture.

For the information of all Senators, the vote will occur on Tuesday, February 10, at a time to be determined by the majority leader after discussion with Senators on both sides of the issue and with the minority leader.

Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed will be withdrawn.

CLOTURE MOTION

NOMINATION OF DAVID SATCHER, OF TENNESSEE, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, MEDICAL DIRECTOR OF THE PUBLIC HEALTH SERVICE, AND SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the Senate now resume the nomination of David Satcher in order for me to file a cloture motion on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of David Satcher, of Tennessee, to be an Assistant Secretary of Health and Human Services, Medical Director of the Public Health Service, and Surgeon General of the Public Health Service.

The PRESIDING OFFICER. The clerk will report the cloture motion.

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar Nos. 338 and 339, the nomination of David Satcher to be Assistant Secretary of HHS and to be Surgeon General.

Trent Lott, James Jeffords, Richard Lugar, Conrad Burns, Arlen Specter, Frank H. Murkowski, Ted Stevens, Ted Kennedy, Olympia J. Snowe, Susan Collins, Tom Daschle, Paul Wellstone, Herb Kohl, Christopher Dodd, Chuck Robb, Tim Johnson, and Tom Harkin.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur at 11 a.m. on Thursday, February 10, with the mandatory quorum being

waived and, further, that if cloture is invoked, the Senate proceed to an immediate vote on the confirmation of David Satcher to be Assistant Secretary of HHS and Surgeon General, all without any intervening action or debate. I further ask that following the vote, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask that there be up to 6 hours for debate on the nomination on Monday, February 9, to be equally divided between Senators JEFFORDS and ASHCROFT, and that there be 1 hour, equally divided in the same fashion, on Tuesday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Once again, Mr. President, regarding this matter, I want to make it clear that there is no intent to rush to judgment here. This nomination has been pending for quite some time. There is strong support for this nomination on both sides of the aisle, and there are legitimate concerns about this nominee. I had indicated yesterday that we would not go forward to a vote until requested information from the Centers for Disease Control had been received, as requested by the Senator from Missouri, Senator ASHCROFT. I had FAXed that list to the Secretary of HHS, Secretary Shalala, and talked to her subsequently on the telephone. I had been told that there were seven items listed. One of them had already been provided, one was on the way, and the other five were being pursued. I believe that most of that information now has been obtained. If not, there is time for it to be received Saturday, Sunday, or Monday before we get to vote on Tuesday.

I urge the White House, the Centers for Disease Control, and everybody involved, to make that information available. It was inferred that, well, it might be used against him. I don't know what the information is. It may be used against him. If it is out there and in the public record or should be in the public record, we need to know that, and we will make a decision.

We have had time given to this nomination in that it has been pending a long time, and now we have had debate pointing out where the problems are and pointing out the assets of this nominee. I think we should not delay it any further. It would be my intent to vote for cloture, which I don't always do, but I think once you have had adequate time—in fact, I rarely do it, but I think this nominee should have a vote on his nomination. So if we in fact do come to a final vote on cloture, I will vote for cloture. That does not indicate how I would vote on final passage. I will make that final decision based on all the information made available before the vote occurs. But I think we should bring it to a conclusion.